

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

SKKY, LLC,

Plaintiff,

v.

FACEBOOK, INC. AND  
INSTAGRAM, LLC,

Defendants.

Case No. 0:16-cv-00094-WMW-FLN

**JURY TRIAL DEMANDED**

**DECLARATION OF JEREMY JORDAN IN SUPPORT OF FACEBOOK, INC.  
AND INSTAGRAM, LLC'S MOTION TO TRANSFER VENUE TO THE  
NORTHERN DISTRICT OF CALIFORNIA UNDER 28 U.S.C. § 1404**

I, Jeremy Jordan, hereby declare:

1. I am employed by Defendant Facebook, Inc. ("Facebook") as a Litigation Paralegal. I have worked at Facebook for 4 years. I declare that the following statements are true to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances. If called upon to testify, I could and would competently testify thereto.

2. Facebook is a Delaware corporation with its headquarters and principal place of business in Menlo Park, California. Facebook moved to Palo Alto, California in June 2004, just months after its initial launch in February 2004. From June 2004 to its move to Menlo Park in 2011, Facebook's headquarters (and principal place of business) was in Palo Alto. Facebook has resided in Northern California for more than a decade.

3. Defendant Instagram, LLC ("Instagram") is a Delaware limited liability

company with its headquarters and principal place of business in Menlo Park, California. Instagram was initially developed in San Francisco, California, launching its first mobile app in October 2010. Facebook acquired Instagram in April 2012, and Instagram moved its headquarters and principal place of business to Menlo Park. Instagram has resided in Northern California for its entire existence of nearly six years.

4. As of May 6, 2016 Facebook and Instagram employ more than 7,000 individuals in Northern California, in or near Menlo Park. Neither Facebook nor Instagram employ any relevant individuals in Minnesota.

5. Facebook and Instagram's management team and primary engineering facilities are located at their headquarters in Menlo Park. Nearly all of the documentation and information regarding Facebook and Instagram's general operations, marketing, financials, and customer service are accessible and primarily managed from Menlo Park.

6. Neither Facebook nor Instagram have ever had any offices or facilities in Minnesota. I am not aware of any potentially relevant Facebook or Instagram employees or evidence in Minnesota.

7. Facebook and Instagram's finance team is based in the Menlo Park headquarters in Northern California. For example, Chad Heaton works at Facebook and Instagram's Menlo Park headquarters in Northern California and is knowledgeable about financial information.

8. Facebook's product marketing team is based in the Menlo Park headquarters in Northern California. For example, Merrill Feather works at Facebook's Menlo Park

headquarters in Northern California and is knowledgeable about Facebook product marketing information.

9. Instagram's product marketing team is also based in the Menlo Park headquarters in Northern California.

10. I am informed that Facebook and Instagram's photos and videos features as used on m.facebook.com, the Facebook App, and the Instagram App have been broadly accused in this case. Over 70 percent of Facebook's engineers and over 85 percent of Instagram's engineers in the United States work at the two companies' Menlo Park, California headquarters. None of Facebook or Instagram's engineers working on relevant products or features is located in Minnesota.

11. I am informed that Facebook's photos and videos features may be accused in this case. Facebook's photos and videos features and their associated storage were originally designed and developed by Facebook engineers in California. Facebook has no employees in Minnesota that worked on designing or developing the photos and videos features.

12. There are various teams currently working on aspects of Facebook's photos and videos features and business. No members of the teams working on photos and videos are located in Minnesota.

13. Employees knowledgeable about the design, development and operation of Facebook's photos and videos features are based primarily in Menlo Park, California. For example, Amit Puntambeker, Mike Coward, and Ed Maia are knowledgeable about the

design, development, and/or operation of Facebook's videos and/ or photos features. Mr. Puntambeker, Mr. Coward, and Mr. Maia all work at Facebook's Menlo Park headquarters in Northern California.

14. Facebook's source code and documentation regarding photos and videos are accessible and primarily managed from Menlo Park. The teams which create and manage this documentation are primarily located in Menlo Park, California. Facebook's data centers, which are all located outside of Minnesota, host Facebook photos and videos.

15. I am informed that Instagram's photos and videos features may be accused in this case. Instagram's photos and videos features were designed and developed by Instagram engineers in California. Instagram has no employees in Minnesota that worked on designing or developing the photos and videos features.

16. At least 85 percent of Instagram's engineers work in Instagram's Menlo Park location. No members of the teams working on photos and videos are located in Minnesota.

17. Employees knowledgeable about Instagram's photos and videos features are based primarily in Menlo Park, California. For example, Udeepa Bordoloi and Shilpa Sarkar are knowledgeable about the design, development, and/or operation of Instagram's photos and/or videos features. Mr. Bordoloi and Ms. Sarkar both work at Instagram's Menlo Park headquarters in Northern California.

18. Instagram's source code and documentation regarding the photos and videos features are accessible and primarily managed from Menlo Park, California. The teams which create and manage this documentation are primarily located in Menlo Park,

California. Facebook's data centers, which are all located outside of Minnesota, host Instagram photos and videos.

19. I am informed that Facebook and Instagram's back-end storage for photos and videos features may be accused in this case. Facebook and Instagram have no employees in Minnesota that worked on designing or developing the back-end storage for photos and videos features.

20. Employees knowledgeable about Facebook and Instagram's back-end storage for photos and videos features are concentrated in Menlo Park, California. For example, Will Hodges is knowledgeable about the design, development, and operation of Facebook and Instagram's back-end storage for their respective photos and videos features. Mr. Hodges works at Facebook and Instagram's Menlo Park headquarters in Northern California.

21. Facebook and Instagram's source code and documentation regarding the back-end storage for photos and videos features are accessible and primarily managed from Menlo Park. The teams which create and manage this documentation are primarily based in Menlo Park, California. Facebook's data centers, which are all located outside of Minnesota, provide Facebook and Instagram's back-end storage for photos and videos.

22. I am informed that the above features are accused as they are used in conjunction with mobile devices, such as Apple Inc.'s iPhone and phones running Google Inc.'s Android operating system, which employ various internal components and parts developed by other companies, such as Qualcomm, Inc. These companies are not owned

or controlled by Facebook or Instagram.

23. I am also informed that the plaintiff has not fully identified or described what products and features are accused in this case. However, the majority of the engineering teams working on the products and features I understand to be implicated in this case are located in the Northern California, and none are located in Minnesota. Should the plaintiff identify and describe more specifically any other products or features, I would likely be able to determine which employees are involved and their locations.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Menlo Park, California on this 13th day of July, 2016.

s/Jeremy Jordan  
Jeremy Jordan